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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,728	01/07/2002	Hiroyuki Masuda	TSUT7.001AUS	4003
20995	7590	06/14/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			STRIMBU, GREGORY J	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			3634	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,728

Applicant(s)

MASUDA ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/25/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Specification

The abstract of the disclosure is objected to because “uses both clips . . . tape” on line 1 is confusing since it is unclear what the clips and tape are used for. On line 3, “the door frame” is confusing since it is unclear if the door frame is part of the mounting structure or is in addition to the mounting structure. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claim 1 is objected to because “or” on line 2 should be changed to --and-- and “which periphery” should be changed to specifically recite the periphery to which the applicant is referring to avoid confusion. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 2, 4, 5 and 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “the predetermined angle” on lines 1-2 of claim 2 render the claims indefinite because they lack antecedent basis. Recitations such as “(i) or (ii)” on line 3 of claim 4 render the claims indefinite because it is unclear what “(i)” and “(ii)” are referring to. It should be noted that reference characters are not considered to be part of the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Nozaki '182. Nozaki '182, in figure 2, discloses a weather strip W comprising an attachment base 18 adapted to be fitted to the attachment periphery, and a seal portion 20 projecting from the attachment base and adapted to be compressed between the outer periphery of the door and the opening periphery of the vehicle body when the door is closed, wherein the attachment base comprises a first attachment face (not numbered, but shown in figure 2 facing the attaching surface 15) provided with clips 30, said first attachment face adapted to be fitted to the first mounting area of the attachment periphery by the clips, and a second attachment face 28 adapted to be fitted to the second mounting area 26 of the attachment periphery with a double-sided adhesive tape, wherein one side of the double-sided adhesive is attached to the second attachment face before the other side of the double-sided adhesive is attached to the second mounting area of the attachment periphery, the first attachment face and the second attachment face being angled to each other to be fitted to the first mounting

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area and the second mounting area, respectively. Although Nazaki '182 does not disclose any means for directly attaching the second attachment face 28 to the second mounting area, the second attachment face is clearly capable of being attached via a double sided adhesive tape. Since the applicant is not positively reciting the adhesive tape as part of the invention, the limitations to the tape are met by Nozaki '182 as set forth above.

Claims 4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Miura. Miura discloses a weather strip mounting structure comprising: an outer periphery of a door 23; an opening periphery of a vehicle body 25, wherein one of periphery is an attachment periphery and has first 26 and second 27 mounting areas angled to each other; a weather strip 11 attached to the attachment periphery, said weather strip comprising an attachment base fitted to the attachment periphery and a seal portion 17 projecting from the attachment base and adapted to be compressed between the door and the vehicle body when the door is closed, the attachment base including a first attachment face 20 and a second attachment face 21 angled to each other to be fitted to the first mounting area and the second mounting area respectively, wherein the first attachment face is provided with clips 29 and fitted to the first mounting area by the clips, and the second attachment face is fitted to the second mounting area with a double-sided adhesive tape 28. It should be noted that 9 is product by process claim and is therefore anticipated by the rejection above because the Miura discloses the product.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki '182 as applied to claims 1-3, 5 and 6 above, and further in view of Miura. Miura, in figure 4, discloses the use of clips 29 to attach one face 20 of a weather strip 11 to a vehicle and double sided adhesive tape 28 to attach another face 21, which is angled relative to the one face, to the vehicle.

It would have been obvious to one of ordinary skill in the art to provide the second attachment face 28 of Nozaki '182 a double sided tape, as taught by Miura, to ensure that the weather strip properly seals between the projecting edge 16 and the weather strip.

Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Miura as applied to claims 4 and 9 above. Miura is silent concerning the particular thickness of the tape. However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of

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ordinary skill to provide the double sided adhesive tape with a thickness of about 0.6 to 1.2mm.

Response to Arguments

Applicant's arguments filed March 28, 2003 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant has amended claims to at least recite the first attachment face and the second attachment face being angled to each other. See claim 1, lines 13-14. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
June 10, 2005